



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on and with Reservations H.C.R. 219
Requesting the Department of Health to Establish Pesticide Buffer Zones Around Sensitive
Areas and to Establish Disclosure Requirements For Entities That Use Large Quantities Of
Restricted Use Pesticides

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: **March 19, 2015**
8:30 a.m.

Room Number: Room 325

1 **Fiscal Implications:** Unknown, but significant.

2 **Department Testimony:** H.C.R. 219 requests the Department of Health (DOH) to establish, by
3 rule, notice, use, buffer zone and reporting requirements for commercial agricultural entities that
4 use large quantities of restricted use pesticides. We appreciate the intent of this measure but
5 defer to the Governor's Executive Budget request for the DOH's appropriation and personnel
6 priorities. The DOH would like to offer comments and reservations regarding this proposed
7 measure.

8 DOH acknowledges that proper disclosure of pesticide use around sensitive communities would
9 be beneficial. In this regard over the past two years, DOH has prepared a report on atrazine
10 occurrence in Hawaii for the Legislature, conducted stream sampling across the State for
11 hundreds of currently used pesticides and coordinated a cancer cluster evaluation for Kauai with
12 the University of Hawaii. DOH is also continuing to build laboratory capacity for pesticides so
13 that more environmental sampling can be done to evaluate offsite movement of pesticides in air,
14 drinking water, our streams and coastlines. We have conducted these efforts in close
15 collaboration with state agencies, such as the Department of Agriculture (DOA), federal
16 agencies, and county governments.

17 DOH also supports the Kauai Agricultural Good Neighbor Program, a voluntary pesticide-use
18 disclosure program on Kauai that provides monthly reports of restricted pesticide use, a 100-foot
19 buffer zone between pesticide application and sensitive communities and pre-application
20 notification to neighboring property owners upon request. H.C.R. 219 asks for pesticide buffer
21 zones for sensitive areas. Because pesticides occur and move very differently from each other in
22 the environment, DOH believes that buffer zone determinations should be data-driven and

1 pesticide specific. In order to determine appropriate buffer zones, pesticide air monitoring could
2 be used to evaluate offsite movement of pesticides near sensitive communities. However, DOH
3 does not have existing funding or equipment that would be required to conduct such monitoring.

4 DOH has extensive expertise in collecting, analyzing, and interpreting environmental data to
5 detect off-target movement of pesticides, as well as other contaminants. The results are then
6 used to determine whether regulatory values are being exceeded and where corrective actions are
7 needed to reduce these unintended effects. DOH is prepared to provide scientific and technical
8 expertise to the DOA to identify data gaps needed to determine whether off-target movement of
9 pesticides requires additional state regulatory protections to protect the health and well being of
10 our keiki and other sensitive communities.

11 DOH regulates pesticide residues in food crops, surface water, groundwater, and drinking water.
12 Pesticide disposal is covered by DOH solid and hazardous waste rules. In our State Response
13 Program, DOH investigates pesticide residues in soils and groundwater to protect local
14 communities from historic impacts due to historic pesticide mixing sites. DOH also assists other
15 agencies and community members who have health and environmental concerns related to
16 pesticides and other chemical exposures. Both DOH and DOA follow an incident command
17 system protocol for emergency response situations. In cases where suspected pesticide related
18 release are determined, DOA is the lead IC and DOH and other responders provide support, as
19 necessary.

20 DOH does not regulate use and application of pesticides, or possess the necessary pest
21 management expertise to make regulatory decisions affecting crop protection. In addition, DOH
22 does not have existing positions to implement pesticide buffer zones and new notice and
23 disclosure requirements. Establishing these functions at DOH would be duplicative, require
24 establishment of a new program within the Department and could cause confusion for pesticide
25 applicators. Pesticide notice and disclosure and buffer zones are most efficiently implemented
26 by DOA Pesticides Branch which regulates the use, sale, and distribution of pesticides in the
27 State of Hawaii, and has expert staff providing oversight, applicator education, and enforcement
28 of proper pesticide use practices.

29 In summary, DOH is prepared to assist DOA with scientific and technical expertise to identify
30 data gaps needed to determine whether off-target movement of pesticides requires additional
31 state regulatory protections to protect sensitive communities from drift.

32 Thank you for the opportunity to provide comments on this important measure.

HCR 219
REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE
BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE
REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED
USE PESTICIDES

PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.

MARCH 19, 2015

Chair Lee and Members of the House Committee on Energy & Environmental
Protection:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and its
agricultural company Hawaiian Commercial & Sugar Company on HCR 219,
REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE
BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE
REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED
USE PESTICIDES. We respectfully oppose this resolution.

Pesticide use in Hawaii is extensively regulated by both the Federal
Environmental Protection Agency and the State Department of Agriculture under the
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Hawaii Pesticide
Law (Chapter 149A, HRS). Depending upon the pesticide and its intended use, the
EPA and the State impose mandatory conditions and requirements that are science
based and designed to protect the pesticide applicator, the general public, and the
environment. These requirements may include, but are not limited to, maximum
application rates, using only specified application methods and equipment, application

only under specified weather conditions, prohibition of any pesticide drift to neighboring properties that causes health or environmental harm, and, in the case of restricted use pesticides, allowing use only by or under the direct supervision of certified pesticide applicators.

Pesticide labels contain specific instructions such as what the pesticide may be used on, how much of the pesticide may be used, how often the pesticide can be used, and worker protection requirements. Federal Law states that the pesticide label is the law, and that use of the pesticide that is not in conformance with the label is a violation of Federal Law and may result in fines and/or imprisonment.

This resolution includes provisions to establish new regulations and restrictions on the use of pesticides by commercial agricultural entities that purchase or utilize large quantities of restricted use pesticides. Pesticide buffer zones are requested for these entities around schools, hospitals, adult residential care homes, child care facilities, shoreline/watersheds, and other areas. Disclosure and notification requirements are also requested on pesticides used by these entities.

In the agricultural industry, pesticides are commonly utilized to protect crops from insect damage, disease, and weed infestation. Pesticides are an integral and essential component in many farming operations. The restriction and prohibition in the use of pesticides on agricultural crop lands will, in many instances, preclude the use of these lands for agricultural crop production.

The imposition of pesticide buffer zones may effectively prevent the continued use of lands presently in active agricultural production. The removal of lands presently in active agricultural production is likely to have a direct negative impact on the total

crop output of the agricultural operation. A reduction in total crop output may pose significant challenges in the overall sustainability and viability of the agricultural operation.

With the proposed pesticide buffer zones applicable only to commercial agricultural entities that purchase or utilize large quantities of restricted use pesticides, non-agricultural entities and other persons who use the same restricted use or general use pesticides may be exempt from these buffer zone restrictions. Entities or persons applying significant quantities of restricted or general use pesticides per acre in the vicinity of sensitive areas may be excluded from the restrictive provisions in this resolution if they do not purchase or use large quantities of restricted use pesticides.

In the future, should a sensitive area facility be situated on lands adjacent to an affected commercial agricultural entity, new buffer zones may be established for the affected commercial agricultural entity. We note that readily identifying future sensitive area facilities may pose challenges for the agricultural operation. The uncertainty of future buffer zones being established as a result of actions on neighboring lands is likely to be problematic for even short-term farm planning.

The pesticide disclosure and notification requirements included in this resolution may also create unintended negative consequences. By imposing pesticide disclosure and notification requirements without accompanying public education on Federal and State pesticide oversight and regulation, this may result in an increase in the number of inquiries, complaints, and non-science based comments and concerns. In addition, despite every effort to follow proposed pesticide application schedules, these schedules may unexpectedly change due to various operational and weather related factors.

Schedule changes implemented after the pesticide application notice is issued may create confusion and prompt additional inquiries and concerns. We also understand that at present, the posting of warning signs for pesticide application is determined by the U.S. Environmental Protection Agency during their detailed pesticide evaluation and registration process based on the toxicity of the pesticide and other factors.

We believe that the Federal and State entities presently overseeing pesticide regulation in Hawaii have the technical knowledge and expertise to implement additional pesticide regulations, when warranted and necessary, to protect and safeguard employees, the general public, and our environment.

Agriculture is a fragile and very challenging business that affords benefits to the broader community and the economy. Providing jobs for residents, revenue for support businesses, and the ambiance of open agricultural fields are some of the benefits derived from a healthy and prosperous agricultural industry. By imposing additional challenges on agricultural entities, this resolution may negatively impact the long term viability and sustainability of Hawaii's agricultural industry.

Based on the foregoing, we respectfully request that this resolution be held in Committee. Thank you for the opportunity to testify.

EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 17, 2015 2:44 PM
To: EEPtestimony
Cc: gottlieb@hawaii.rr.com
Subject: *Submitted testimony for HCR219 on Mar 19, 2015 08:30AM*

HCR219

Submitted on: 3/17/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Oppose	No

Comments:

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Testimony from Jeff Case, Senior Director Government Affairs, CropLife America

In opposition to HCR 219

Thursday, March 19, 8:30 am – House Committee on Energy and Environment

Aloha Chair Lee and Committee Members:

CropLife America represents the manufactures and registrants of pesticide products that are used for agriculture production. We recognize the need for these valuable crop protection products to be used in a manner that is protective to schools, children and sensitive environmental areas. But we are opposed to HCR 219.

This resolution will not provide any additional public or environmental safety than already exists in the use requirements, many precautions and setbacks identified on the product use labels which are enforceable by state and federal law. We dispute the idea that there are wide-spread problems with pesticide applications in the state, and the need for these extensive and unprecedented measures.

This resolution mirrors the many bills heard this session that were developed and promoted by national anti-pesticide /agriculture organizations like Center for Food Safety and EarthJustice. The goal of these national well- funded groups is to make growing genetically modified crops in Hawaii as difficult as possible and has less to do with concerns about the use of pesticides.

These groups have misled the public and lawmakers by suggesting that 33 states have already passed similar laws. Very few states have laws that contain ANY of the provisions that are in these bills. Integrated Pest Management (IPM) requirements in schools and on school property has nothing to do with the application of pesticides on agriculture lands and those are the policies that states have adopted.

Appropriately – schools have the responsibility of keeping students healthy and safe by ensuring pesticides are used responsibly. **The Department of Agriculture reported at a House Ag Committee hearing that overwhelmingly – the pesticide exposure incidents at schools were the result of improper use by neighbors.** Additionally – the recommendation to create a new layer of regulations under the State Department of Health amounts to an unfunded mandate that duplicates the existing regulatory oversight of the Department of Agriculture.

We ask you to please defer HCR 219. Mahalo for your consideration.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 19, 2015

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

TESTIMONY ON HCR 219

REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE
BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE
REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED
USE PESTICIDES.

Room 325
8:30 AM

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau strongly opposes HCR 219.

This resolution perpetuates the misconception that Hawaii farmers are inappropriately using restricted use pesticides and that this use is negatively impacting residents. There is no evidence that either of these concerns is valid. Recent environmental studies (air, surface water, and sediment) and reviews of public health data in Hawaii do not indicate a risk to the public from pesticides. Ongoing monitoring of public water systems throughout the state also ensures that the community's drinking water is safe.

Each pesticide sold and used in Hawaii undergoes intense scientific scrutiny prior to being allowed on the market. Its potential impact to health and the environment is studied and regulated taking into account the most sensitive population, including infants and expecting mothers. Both the federal and State government dictate how each pesticide is to be used and what notification, worker protection, buffers, and recordkeeping are required to ensure safety for users, the public, and the environment.

The Hawaii Department of Agriculture has an entire branch dedicated to the regulation and enforcement of laws and rules regarding pesticide sales, registration, application, and safe use in the state. The Hawaii Department of Health regulates pesticides through the Safe Drinking Water Branch (protecting drinking water sources), the Food and Drug Branch (routinely collecting and testing produce samples for pesticide residue), the Clean Water Branch (conducting water surveillance and environmental management activities), and the Hazard Evaluation and Emergency Response Office (planning for and responding to potential pesticide releases).

Restricted use pesticide (RUP) use is even more strictly regulated than that of other pesticide products. They require the applicator to be trained, tested, and licensed to ensure that he understands and complies with these regulations. This resolution ignores these facts and indicates a general lack of awareness as to why and how RUPs are used. Farmers use RUPs when other pesticides are not appropriate or effective to protect a crop from devastating disease or pests. Besides farmers, the counties use RUPs to disinfect drinking water and wastewater. Home and business owners use RUPs when they have their buildings treated to protect them from destructive termites.

The Hawaii Farm Bureau and its members believe that public safety must be the priority in any enterprise, however, this resolution targets only farmers and only larger farmers, and would require the establishment of an entirely new, unfunded, and arbitrary State regulatory system, disregarding the Hawaii Department of Agriculture expertise, and abandoning the continuous, intensive, scientific, evidenced-based existing laws and regulations that protect the public while allowing farmers to produce food and other necessary crops.

This resolution sets a precedent by which unsubstantiated claims against one sector of farming are allowed to derail an entire regulatory process to substitute arbitrary and undemocratic requirements that could jeopardize not only the targeted farms, but every farmer in the State, since any farmer may, at some future point in time, need to use RUPs. It ignores other, non-agricultural users who reportedly use more RUPs than farmers.

If implemented, HCR 219 will take farm land out of production, increase costs, make it even more difficult to farm in Hawaii, and subject farmers to crushing litigation. We respectfully request that this committee consider the impact to growers in Hawaii of **far exceeding U.S. EPA and HDOA restrictions**. Before deciding whether new, arbitrary and damaging restrictions are needed, it is important to evaluate whether any real risks to the public will be addressed.

Thank you for the opportunity to testify in opposition to this resolution.

EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 17, 2015 12:04 AM
To: EEPtestimony
Cc: darakawa@lurf.org
Subject: Submitted testimony for HCR219 on Mar 19, 2015 08:30AM

HCR219

Submitted on: 3/17/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Land Use Research Foundation of Hawaii	Oppose	No

Comments: The Land use Research Foundation of Hawaii OPPOSES HCR 219, REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED USE PESTICIDES. (HCR 219)

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EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2015 6:47 AM
To: EEPtestimony
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for HCR219 on Mar 19, 2015 08:30AM*

HCR219

Submitted on: 3/18/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Oppose	No

Comments:

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MONSANTO CO.
94-520 KUNIA ROAD
KUNIA, HAWAII 96759

TESTIMONY BEFORE THE
HOUSE COMMITTEE ON ENERGY
AND ENVIRONMENTAL PROTECTION

March 19, 2015

TESTIMONY ON HCR 219
REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE BUFFER ZONES
AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE REQUIREMENTS
FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED USE PESTICIDES.

Chair Lee and committee members:

My name is Alan Takemoto, Community Affairs Manager for Monsanto Hawaii. Thank you for allowing us to comment on HCR 219.

Health and Safety is Monsanto's number one priority. We strive daily to ensure a safe working environment for our employees and guests. We are very aware of our surroundings and take every measure to ensure our neighbors are not impacted by our operations. Monsanto and its employees and their families are very attentive to the health and well being of the communities where we work and live. Our employees and their families also attend the nearby schools, childcare facilities, hospitals, and community centers from which everyone benefits.

Monsanto is committed to being a responsible steward of the land. We utilize soil and water conservation practices in all of our farm operations. We diligently comply with federal and state laws that govern responsible pesticide use and in many cases have taken additional stewardship measures. All of Monsanto's employees who work with pesticides receive extensive training. Many farmers, including Monsanto, use an integrated pest management program that use all aspects of pest and disease control that don't necessarily require the use of pesticides, but also incorporates other techniques and natural occurrences.

Pesticides when used properly are vital and beneficial tools for all aspects of our environment and the economy. Homeowners, farmers, businesses, government agencies and other environmental organizations use pesticides to protect the environment by controlling invasive species, control weeds, insects and plant diseases, and to prevent or control the spread of diseases in our every day lives.

Good public policy must and should be based on facts. We encourage the committee to examine the basic facts on pesticide use in Hawaii. The Hawaii State Department of Agriculture has the data on who uses pesticides, where they are being used and how they are being applied. To accurately assess the merits of any bill and value to public health and safety, these facts must be considered. This can be an excellent opportunity to not only understand the actual risks posed by the use of pesticides, but to also educate the public on those risks and the value pesticides bring to our communities. We respectfully oppose this measure. Thank you.

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

HCR 219 Requesting the Department of Health to Establish Pesticide Buffer Zones Around Sensitive Areas and To Establish Disclosure Requirements For Entities That Use Large Quantities of Restricted Use Pesticides

House EEP Committee - Thursday, March 19, 2015

8:30 am - Conference Room 325

Written Testimony by: Larry Jeffs

Position: Oppose

Chair Lee, Vice Chair Lowen and Members of the House EEP Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

This measure seeks to protect sensitive populations and areas by requiring the Department of Health, which does not have the expertise and capacity for pesticides oversight, to do so while ignoring the pesticides oversight of federal and state pesticides regulation, outreach and training that is done by the Department of Agriculture. Funding restoration and support for increased DOA staff for this function will help with assurance of proper pesticides regulation compliance.

It targets commercial farmers, particularly large-scale farmers, who by virtue of larger crop acreage, may use more restricted use pesticides than farms with less crop acreage. Large-scale farms have strict pesticide protocols, licensed applicators and are at financial risk and at risk of losing commercial licenses due to any non-compliance issues. If the concern is for the safety of children and sensitive populations, all users of pesticides, particularly small-scale farms that are often at the greatest risk for non-compliant pesticide applications and increased exposure to risk must be included.

If the concern is for the safety of children and sensitive populations, a program for pesticides application education and consequences for residential users are needed because many of the school evacuations are found to be from residential spraying and not agricultural use of pesticides.

A cautionary note about the unintended consequences of proposed buffer zones: It will result in the loss of responsible and legally approved general and restricted use pesticides and the taking of unknown amounts of agriculture land that will have fiscal and legal ramifications. It will make Hawaii-grown produce non-competitive with produce imported from the mainland and international sources at a time when Hawaii is striving to become more food-sufficient. Buffer zones must be scientifically defensible.

Responsible farmers, the community and policy makers are all concerned about the safety of workers and residents. A science-based discussion is suggested, much like Peter Adler's Kauai Joint Fact Finding Group's discussion which is anticipated to be completed by the end of 2015. "The overall goals of any JFF (Joint Fact Finding) are to illuminate the factual assumptions behind a controversy, map areas of factual agreement that all parties can respect, put those areas in a proper context, and help inform policy making," added Adler." <http://hdoa.hawaii.gov/blog/main/kauaiproject/>

Thank you for the opportunity to submit testimony.

EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2015 6:04 AM
To: EEPtestimony
Cc: mnakahata@gmail.com
Subject: *Submitted testimony for HCR219 on Mar 19, 2015 08:30AM*

HCR219

Submitted on: 3/18/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Oppose	No

Comments:

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EEPttestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 17, 2015 12:24 AM
To: EEPtestimony
Cc: foodsovereigntynow@gmail.com
Subject: Submitted testimony for HCR219 on Mar 19, 2015 08:30AM

HCR219

Submitted on: 3/17/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments: Please support buffer zones to protect our children and kupuna from potential exposure.

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EEPttestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 17, 2015 7:24 PM
To: EEPttestimony
Cc: kamiyak002@hawaii.rr.com
Subject: Submitted testimony for HCR219 on Mar 19, 2015 08:30AM

HCR219

Submitted on: 3/17/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Y. Kamiya	Individual	Oppose	No

Comments: I oppose this action. Additional regulations are not necessary and will only create additional hardships for farmers.

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DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

LATE

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

March 19, 2015
8:30 A.M.

HOUSE CONCURRENT RESOLUTION 219

Chairperson Lee and Members of the Committee:

Thank for the opportunity to testify on House Concurrent Resolution 219 that requests the Department of Health to establish pesticide buffer zones around sensitive areas and to establish disclosure requirements for entities that use large quantities of restricted use pesticides. The Department has reservations on this measure.

We feel that it is the purview of the HDOA to regulate the use of pesticides under the Hawaii Pesticides Law, Chapter 149-A.

The protection of school children to pesticide exposure is of equal concern to the HDOA. The Department, however, does need to point out that pesticides are already highly regulated at both federal and state levels to ensure safety for users, the general public, and the environment.

Before a pesticide product is registered with the U.S. Environmental Protection Agency (EPA) for sale or use within the U.S., scientific risk assessments are conducted to evaluate the potential for harm to humans, wildlife, plants and fish including endangered species and non-target organisms, and contamination of surface water or groundwater from leaching, runoff, and spray drift. A pesticide product label lists restrictions on use against applying the pesticide when weather conditions are likely to result in drift to sensitive areas, such as schools and hospitals, or requiring buffer zones from wells and water bodies to protect groundwater and surface water. Pesticide products are reviewed for short-term toxicity to long-term effects on infants and elderly, risk to farm workers, bystanders, potential off-target drift, and volatilization before EPA grants a registration number for the product.

The Department submits that concerns underlying this resolution's proposed buffer zone restriction are addressed by the scientific testing required by EPA's pesticide registration process and by the pesticide label restrictions that EPA imposes.

In summary, the Department submits that language in this resolution seems to target a segment of the farming community. The Department supports all agricultural



activity that is being conducted in accordance with federal, state, and county regulations.

Thank you for the opportunity to present testimony.



LATE

49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Thursday, March 19, 2015, Room 325, 8:30 A.M.

HCR 219: REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED USE PESTICIDES

TESTIMONY

Janet Mason, Co-Chair, Legislative Committee, League of Women Voters of Hawaii

Chair Lee, Vice-Chair Lowen, and Committee Members:

The League of Women Voters of Hawaii supports the intent of HCR 219, and offers a suggestion for amending the measure. The League has long supported the promotion of adequate supplies of food and fiber at reasonable prices to consumers. We also support environmentally sound farm practices and reliance on the free market.

Now that the issue of labeling genetically modified organisms (GMOs) has taken center stage in the debate over Hawaii's agriculture future, it has become evident that the safety of GMOs has been conflated with the issue of pesticides that are applied to the fields. We urge decoupling of this GMO controversy from the issue of the health effects of pesticides.

Our own League membership is struggling to understand whether establishment and implementation of effective buffer zones is possible and whether this could be accomplished without jeopardizing food production in Hawaii. We welcome this resolution as an opportunity to move this important discussion along, because we have already concluded that a bill in this session will not resolve a public debate which could now be characterized as FOOD vs. HEALTH.

Agriculture now accounts for 80% of the pesticide use in the U.S., with synthetic pesticides having dominated conventional agriculture since the 1950s. The industry has increasingly relied on pesticide application and management to get the maximum crop production while eliminating unwanted pests and plants. This has brought to the forefront concerns over health effects from workplace pesticide exposure, consumption of pesticide residues in our food and water, and effects on the surrounding environment.

While recent studies have shown that overall pesticide chemical residues found on tested foods are at levels well below the tolerances set by the EPA, it is an incomplete picture of the quantity or the effect of ingested pesticides. The EPA's tolerance level is based on a risk assessment of a single compound. As there is no limit to the number of different pesticides that can be on food, the risk assessment cannot and does not examine the additive effect of the pesticide under consideration along with presence of other chemicals to which we have been exposed. Nor does the risk assessment evaluate the possible interactive effect of those compounds. Moreover, the tolerance level is established on the active ingredient, though the inert ingredients that dilute and help deliver the pesticide may also be toxic.

This resolution addresses field spraying issues. Because spraying can contaminate water supplies, directly expose farmworkers, adversely affect non-target species, and cause economic damage to certified organic operations, great care must be taken during pesticide application. Our understanding is there are



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www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

multiple application methods. Through precision technology (using GPS and "smart" sprayers), pesticide use is more precisely directed and the quantity applied can be cut significantly. However, other methods pose more risk of exposure: aerial spraying, air blast (as is used in urban mosquito abatement), and chemigation (application of chemicals through irrigation equipment).

While there are guidelines for aerial spraying, it is difficult to ensure that ideal conditions for spraying are always present. And, based on a laboratory study, we know that spraying may be a method of inadvertently spreading norovirus, the largest cause of foodborne illness.

This is a situation where the average citizen would normally rely on local public health authorities to monitor the human health impacts of pesticide drift, especially near sensitive locations such as schools and hospitals. We do not discount the difficulty in providing effective monitoring, and point out that the Environmental Division of our Health Department is already tasked with hazard evaluation and emergency response, even when there are no environmental standards.

A normal first step in any type of hazard mitigation is identifying the type and location of the source pollutant. With this in mind we think two sections of this resolution requiring that commercial entities and other organizations using large quantities of restricted pesticides outdoors identify application sites are good places to start. The resolution correctly requires disclosure from both the agricultural and non-agricultural sector; this should go a long way toward public perception that food producers are the only potential violators.

Such disclosure implies real-time reporting to the Department of Health. This method may require investment in public health reporting systems, which taxpayers should be prepared to pay for, especially since the effort would be cost-shared with private sector pesticide users. We also point out that such reporting systems would be consistent with providing annual public reports to the Department of Health as required in the resolution.

Likewise, it is entirely reasonable to require large quantity pesticide users to post warnings signs of outdoor applications for the public; the specifics of this requirement should be spelled out by the Health Department.

At this time the League stops short of endorsing the establishment of buffer zones as called for in this resolution because no health standard exists to use as a basis for such restrictions.

We'd sure like the Health Department to collaborate with the Department of Agriculture to propose science-based guidelines. Taking this action would mean the debate could move on, weighing the costs and benefits and generally moving toward some type of community consensus and enhancing pesticide education programs operated by the Department of Agriculture.. We suggest that the resolution be amended to request such proposed guidelines.

Thank you for the opportunity to submit testimony.

BIA-HAWAII

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THE VOICE OF THE CONSTRUCTION INDUSTRY

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96797-0967

STREET
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F 808.440.1198
E INFO@BIAHAWAII.ORG

WWW.BIAHAWAII.ORG

Testimony to the House Committee on Energy & Environmental Protection

Thursday, March 19, 2015
8:30 a.m.

State Capitol - Conference Room 325

LATE

RE: H.C.R. 219, RELATING TO PESTICIDE BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED USE PESTICIDES

Dear Chair Tsuji, Vice-Chair Onishi, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii **opposes** H.C.R. 219, which requests the Department of Health to Establish Pesticide Buffer Zones around sensitive areas and to establish disclosure requirements for entities that use large quantities of restricted use pesticides.

While we understand the desire to protect schools, hospitals, and residential care facilities, we do not believe this type of regulation is an appropriate means to provide the desired protection. We understand that the use of pesticides is already regulated by the federal government through the Environmental Protection Agency (EPA). Pesticides are subject to a rigorous test process before the EPA will allow it to be sold for commercial or private uses.

As written, the resolution provides no documentation, scientific studies or evidence to support the need for regulation at this time. Imposing these restrictive requirements on agri-businesses in Hawaii without any type of scientific evidence or justification would be unwise.

Also of concern is the tremendous effect regulation of buffer zones, which could in many cases render more than half of a small farm's land unusable depending on its size and proximity to the above mentioned areas. Such action would be detrimental to small farms, our economy, and Hawaii's food security.

For these reasons, we respectfully oppose this resolution. Thank you for the opportunity to express our views on this matter.

LATE



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai'i 96807

**HCR219 REQUESTING THE DEPARTMENT OF HEALTH TO
ESTABLISH PESTICIDE BUFFER ZONES AROUND
SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE
REQUIREMENTS FOR ENTITIES THAT USE LARGE
QUANTITIES OF RESTRICTED USE PESTICIDES**

**COMMITTEE ON ENERGY and
ENVIRONMENTAL PROTECTION**

Thurs, 3/19/15; 8:30 a.m.; Room 325

Aloha Chairman Lee, Vice Chair Lowen and members of the Committee on Energy and Environmental Protection. The Association of Hawaiian Civic Clubs supports this resolution.

Members of our neighbor island clubs living near farming areas especially have requested buffer zones and a resolution to that effect was passed at the 2014 convention.

Thank for the opportunity to support this measure. We urge its passage.

Contact: Jalna.keala2@hawaiiantel.net

HEARING BEFORE THE HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

TESTIMONY ON HCR 219

REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH PESTICIDE BUFFER ZONES AROUND SENSITIVE AREAS AND TO ESTABLISH DISCLOSURE REQUIREMENTS FOR ENTITIES THAT USE LARGE QUANTITIES OF RESTRICTED USE PESTICIDES.

March 19, 2015

Room 325

8:30 AM



Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee:

I am Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association (HCIA).

HCIA respectfully opposes HCR 219.

Although the term pesticide has become a dirty word, pesticides are used throughout the world and in Hawaii to control pests and disease carriers, such as mosquitoes, ticks, and rodents. They are used in our drinking water to prevent disease and in our watersheds to control invasive species. Pesticides are also used in agriculture to control weeds, insect infestation, and diseases that can completely destroy a crop. Even organic agriculture uses pesticides.

Our member companies are very aware of their responsibility to use pesticides properly and they take this duty very seriously. The many employees of HCIA members are likely people you know as friends, relatives, and neighbors who contribute to communities throughout the Islands where we farm. We have been a part of these communities and local economies for over 50 years.

Our farms use trained employees who are experienced in pesticide application and apply pesticides only when necessary. The safety of our employees and the community is of utmost importance to us and we follow the strict federal and State pesticide laws and regulations carefully. We are regularly inspected by the State Department of Agriculture Pesticide Branch whose duty is to enforce these laws.

We disagree with the idea that there are wide-spread problems associated with pesticide applications in the state, and the need for these extensive and unprecedented measures. The proposed legislation assigns arbitrary restrictions and conditions that go far beyond science-based regulations. The U. S. Environmental Protection Agency evaluates and registers pesticides to ensure that they will not harm people, non-target species, or the environment. After thorough risk assessments, EPA determines *if* a pesticide can be sold and used. It dictates where a pesticide can be used, the amount, frequency, and timing of its use; and how it will be stored or discarded. EPA determines the conditions under which the pesticide can be used based upon ongoing research of any possible health or environmental effect.

It is clear that this resolution has been developed by non-farmers who do not understand existing pesticide regulations and enforcement nor farmers' need to control insects, weeds, and disease. The bills are designed to unfairly target one segment of Hawaii's pesticide users - our member company

farmers who grow genetically modified crops. The well-funded national organizations that are promoting this type of legislation here and across the country hope to set a precedent in Hawaii and make this farming as difficult as possible. Their claims that similar laws have been adopted across the country, in "33 states", are simply not true. A closer look at the laws they refer to reveals that they are concerned with requirements for schools' own procedures to use Integrated Pest Management; not pesticide use on farms. In fact, very few states have laws that contain ANY of the provisions in these bills.

This measure undermines EPA's role and will harm Hawaii farmers without providing increased safety. Before any additional State pesticide restrictions are imposed, they should be determined to be justifiable and necessary. The Hawaii Department of Agriculture currently has the authority and expertise to promulgate additional pesticide regulations to protect the public if it determines that further regulations are warranted.

We respectfully request that this resolution be held. Rather than create new and arbitrary rules that will make it more difficult for farmers to stay in business in Hawaii, we support the concepts in other pesticide-related bills introduced this session that would give the HDOA and the University of Hawaii increased funding and capacity to more effectively perform their roles, including educating growers and others to ensure proper pesticide use, assistance in implementation of pesticide drift reduction strategies, and appropriate enforcement capability. We believe that a strong state pesticide regulatory program is essential to assuring the public that pesticide products are used properly.

Thank you for this opportunity to testify in opposition to this measure.

From: Tom Mendes <tjmendes@hawaii.rr.com>
Sent: Wednesday, March 18, 2015 9:04 PM
To: EEPtestimony
Subject: HCR 219

LATE

I oppose this legislation. Claims of sickness still goes unsubstantiated. As our own Dept. of Agriculture stated, more pesticides are used by home owners than by big Ag. Thresholds for enforcement do not accurately identify "large" users of pesticides. Yes, be cautious about threats to our health, but let's not be emotional and ill-informed.

Tom Mendes,
Waimanalo farmer.

EEPttestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 19, 2015 7:45 AM
To: EEPtestimony
Cc: carl.campagna@kamakagreen.com
Subject: *Submitted testimony for HCR219 on Mar 19, 2015 08:30AM*

LATE

HCR219

Submitted on: 3/19/2015

Testimony for EEP on Mar 19, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Campagna	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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